

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

August 31, 2005

IN RE:

**JOINT PETITION FOR ARBITRATION OF NEWSOUTH
COMMUNICATIONS CORP, NUVOX COMMUNICATIONS,
INC. KMC TELECOM V, INC., KMC TELECOM III LLC,
AND XSPEDIUS COMMUNICATIONS, LLC ON BEHALF OF
ITS OPERATING SUBSIDIARIES XSPEDIUS
MANAGEMENT CO. SWITCHED SERVICES, LLC AND
XSPEDIUS MANAGEMENT CO. OF CHATTANOOGA, LLC
OF AN INTERCONNECTION AGREEMENT WITH
BELLSOUTH**

**DOCKET NO.
04-00046**

ORDER ACCEPTING WITHDRAWAL OF PETITION

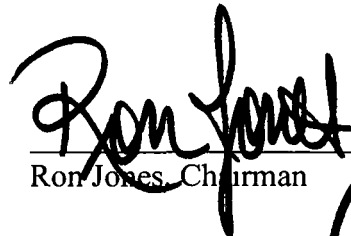
This matter came before Chairman Ron Jones, Director Deborah Taylor Tate and Director Pat Miller of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned to this Docket, at a regularly scheduled Authority Conference held on July 11, 2005 for consideration of the *Motion of KMC Telecom V, Inc and KMC Telecom III, LLC to Withdraw with Prejudice* ("Motion to Withdraw").

On February 11, 2004, NewSouth Communications Corp., NuVox Communications, Inc., KMC Telecom V, Inc., KMC Telecom III, LLC and Xspedius Communications, LLC on behalf of its operating subsidiaries Xspedius Management Co. Switched Services, LLC and Xspedius Management Co. of Chattanooga, LLC filed a *Joint Petition for Arbitration* ("Joint Petition") requesting arbitration of an Interconnection Agreement with BellSouth Telecommunications, Inc. pursuant to Section 252(b) of the Telecommunications Act of 1934, as amended.

On May 27, 2005, KMC Telecom V, Inc. and KMC Telecom III, LLC (collectively “KMC”) filed the *Motion to Withdraw* requesting the Authority allow it to withdraw with prejudice from the *Joint Petition*. KMC further stated that its “withdrawal shall be considered a dismissal with prejudice of this Arbitration with respect to KMC only and does not apply to the remaining Joint Petitioners.”¹

During the Authority Conference held on July 11, 2005, upon consideration of the entire record in this matter, the panel voted unanimously to accept the *Motion to Withdraw* in its entirety.

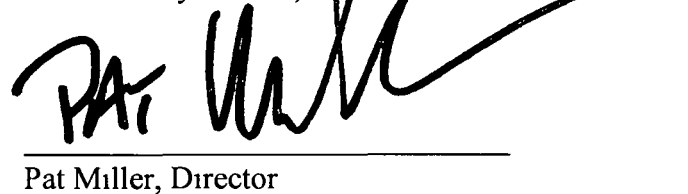
IT IS SO ORDERED.



Ron Jones, Chairman



Deborah Taylor Tate, Director



Pat Miller, Director

¹ *Motion of KMC Telecom V, Inc and KMC Telecom III, LLC to Withdraw with Prejudice*, p 2 (May 27, 2005)